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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,227	07/18/2003	Andres M. Lozano	AB-349U	4651
23845 7	7590 06/28/2005		EXAMINER	
ADVANCED BIONICS CORPORATION 25129 RYE CANYON ROAD VALENCIA, CA 91355			ROLLINS, ROSILAND STACIE	
			ART UNIT	PAPER NUMBER
•			3739	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.  10622_227  Examiner Rosland S. Rollins 3739  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A. SHORTENED STATUTORY PERIOD FOR REPLY IS SEY TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  THE MAIL NING DATE of THIS COMMUNICATION.  AS HORTENED STATUTORY PERIOD FOR REPLY IS SEY TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  THE MAILING DATE of THIS COMMUNICATION.  If the period is reply seclided above is task than thirty (30) days, a very which he stainday minimum of their, (30) days will be considered sinely.  If the period is reply seclided above is task than thirty (30) days, a very which he stainday minimum of their, (30) days will be considered sinely.  Failur to reply which he set or extended period for reply with in the sit or extended period for reply seclided above is task than thirty (30) days, a very which he stainday minimum of their, (30) days will be considered sinely.  Failur to reply which he set or extended period for reply with best and the application.  Failur to reply which he set or extended period for reply with by stailute, cause application to see application to some ABANDORED (33) U.S. (2, 13).  Any reply received by the Office late than their months after the mailing date of this communication, even if limitly filed, may reduce any some specific time application.  As a possible of the communication of the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-26 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  8) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeya	¥ 5		
Examiner Resiland S. Rollins 37.39  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 °C FR 1.13(e). In no event, however, may a riply be timely filed shell Sid (s) MONTHS from the mailing date of this communication. If the Centre of the provision is a statistic or provision and station prolinear of the (20) days will be considered simely. If the Denoted for rely is specified above, the maintend will apply and will eaply is SX (e) MONTHS from the mailing date of this communication. Feature to paying which he set or extended period for rely is specified above, the maintend will apply and will eaply is SX (e) MONTHS from the mailing date of this communication. Feature to paying which he set or extended period for rely is application from the application from the population. Feature to reply with the set or extended period for rely is application and population. Feature to reply with the set or extended period for rely is application.  Application of FINAL.  20) [Mail This action is one-final.  3) [Mail This action is final the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) [Mail Claim(s) [1-26] is sare pending in the application.  4a) Of the above claim(s) [1-26] is sare allowed.  5) [Mail Claim(s) [1-26] are subjected to by the Examiner.  7) [Mail This action is objected to by the Examiner.  8) [Mail This action is objected to by the Examiner.  10) [Mail The dath or request that any objection to the drawing(s) be hald in abeyance. See 37 CFR 1.121(d).  11) [Mail The dath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  12) [Mail This Action of the priority		Application No.	Applicant(s)
Examiner   Rosiland S. Rollins   3739		10/622,227 LOZANO, ANDRES	
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  after SIX (e) MONTHS from the mailing date of this communication.  if the period for reply septical active, the mailing date of this communication.  if the period for reply septical active, the mailing date of this communication.  if the period for reply septical date the thin the months after the mailing date of this communication.  if the period for reply septical date the thin three months after the mailing date of this communication.  Any reply received by the officies during the thin three months after the mailing date of this communication, even if limity filled, may reduce any carried patent term adjustment. See 37 CFR 1.794(b).  Status  1) ☑ Responsive to communication(s) filed on 18 July 2003.  2a) ☐ This action is FINAL.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1-26 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 ☐ Claim(s) is/are rejected.  7) ☐ Claim(s) is/are rejected.  7) ☐ Claim(s) is/are rejected to.  8) ☑ Claim(s) 1-26 are subject to restriction and/or election requirement.  Application Papers  9) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  The cart find copies of the priority documents have been received in Application No.  1 ☐ Certified copies of the priority documents have been received in Application No.  2 ☐ Certified copies of the priority documents have been received in Application No.  3 ☐ Copies of the certified copies of the priority documents have been r			
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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: Species I in figure 1; Species II in figure 2; Species III in figure 3; Species IV in figure 4a; Species V in figure 4b; Species VI in figure 5; Species VII in figures 6a-b; Species VIII in figure 7; Species IX in figures 8a-b.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosiland S. Rollins whose telephone number is (571) 272-4772. The examiner can normally be reached on Mon.-Fri. 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANDLUMA AULLMA Rosiland S Rollins Primary Examiner Art Unit 3739